

## REMARKS

The Office Action mailed November 21, 2005 has been received and reviewed. Claims 12 and 29-41 are pending in the case. Claims 12, 29-34, 37, and 39-41 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 4,915,387 to Baxstrom in view of U.S. Patent 6,949,029 to Strande. Claim 35 is rejected under 35 U.S.C. §103(a) as being unpatentable over Baxstrom and Strande in view of U.S. Patent 5,273,285 to Long. Claim 38 is rejected under 35 U.S.C. §103(a) as being unpatentable over Baxstrom and Strande in view of U.S. Patent 6,156,396 to Florian. The applicant believes the claims to be allowable in their original state, and respectfully reserves the right to pursue those claims in this or a later application. Nonetheless, in this response, certain of the claims have been amended in order to advance the case to allowance. Accordingly, the Applicant respectfully requests reconsideration and allowance of the pending claims.

With respect to claims 12 and 29, Applicant respectfully asserts that a *prima facie* case of obviousness has not been established. In order to establish obviousness, each and every element of the claimed invention must be found in two or more prior art references and there must be some teaching or suggestion in the prior art to combine the references. None of the cited references whether alone or in combination teach or suggest all of the limitations of amended claims 12 and 29. In particular, none of the cited references disclose club path indicators each comprising an arcuate club path, the arcuate club paths crossing one another at a point of intersection proximate a tee aperture, the arcuate paths each mapping a club head path corresponding to a golf ball path having a unique lateral component.

The claimed configuration provides a compact template for swings having different lateral components such as hooks, slices, draws, and fades. By intersecting the arcuate club paths at the tee aperture, a single aperture is required for multiple swing types. The intersecting

configuration is also more instructive inasmuch as the difference in angles of the shots is more apparent.

Baxstrom does not disclose any intersecting arcuate club paths. The guide lines 34 of Baxstrom are substantially parallel to one another. Figs. 1 and 2. Furthermore, the arcuate club paths of Baxstrom do not correspond to golf ball paths having unique lateral components, but rather correspond to shots using different clubs. Col. 2, lns. 32-45.

Strande also fails to disclose all the claimed limitations. The paths 16 and 14 of Strande are tangent to one another proximate a hole 64. Fig. 1. They do not cross one another, but rather are described as extending along one another. Col. 3, lns. 40-43 ("Further, the down swing club path guide 16 is formed *along* a portion of the combination of the arm path member 12 and the body path member 14."). Furthermore, the different paths shown by Strande are not arcuate club paths corresponding to golf ball paths having unique lateral components, but rather correspond to an arm path, a body path, and a swing club path. Col. 3. lns. 35-43.

The elements recited in claims 12 and 29 constitute patentable subject matter and do not constitute strictly printed matter. Printed matter, if functionally related to other claim elements, is to be given patentable weight. *In re Gulack*, 703 F.2d 1579, 32 USPQ 401 (Fed. Cir. 1983). In the present case, the club path indicators are functional as guides for a club head. They are further functionally related to the tee aperture and tee bore as guides for a club head striking a ball positioned over the tee bore.

Claims 30-43 are dependent on allowable claim 29 and are therefore allowable for at least the reasons discussed hereinabove.

## CONCLUSION

Applicant requests reconsideration and allowance of the pending claims.

Respectfully submitted,

BLACK LOWE & GRAHAM<sup>PLLC</sup>



Michael G. Pate  
Registration No. 53,439  
Direct Dial: 206.957.2163

## MAIL CERTIFICATE

I hereby certify that this communication is being deposited with the United States Postal Service via first class mail under 37 C.F.R. § 1.08 on the date indicated below addressed to: MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

March 21 2006  
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Wendy Saxby  
Wendy Saxby

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GLFP-1-1001ROA4

BLACK LOWE & GRAHAM<sup>PLLC</sup>



701 Fifth Avenue, Suite 4800  
Seattle, Washington 98104  
206.381.3300 • F: 206.381.3301